

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Notice of Intended Action**

**Proposing rule making related to hospital licensing board  
and providing an opportunity for public comment**

The Inspections and Appeals Department hereby proposes to amend Chapter 6, “Uniform Waiver and Variance Rules,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 10A.104(5).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2020 Iowa Acts, House File 2627.

*Purpose and Summary*

This proposed rule making removes references to the Hospital Licensing Board. The Hospital Licensing Board was eliminated through 2020 Iowa Acts, House File 2627.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 27, 2021. Comments should be directed to:

Ashleigh Hackel  
Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [ashleigh.hackel@dia.iowa.gov](mailto:ashleigh.hackel@dia.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule ~~481—6.2(10A,17A,ExecOrd11)~~, definition of “Attached units,” as follows:  
“*Attached units*” means units attached to the department and includes the employment appeal board, ~~hospital licensing board~~, state citizen foster care review board, racing and gaming commission, and state public defender’s office.

ITEM 2. Amend subrule 6.11(1) as follows:  
**6.11(1) Director/board discretion.** The decision on whether the circumstances justify the granting of a waiver or variance shall be made at the discretion of the director upon consideration of all relevant factors, except for the below-listed programs, for which the applicable board, commission or state public defender shall make the decision, upon consideration of all relevant factors:

- a.* Employment appeal board, 486—Chapter 1.
- ~~*b.* Hospital licensing board, 481—Chapter 51.~~
- ~~*c.* State citizen foster care review board, 489—Chapter 1.~~
- ~~*d.* Racing and gaming commission, 491—Chapter 1.~~
- ~~*e.* State public defender’s office, 493—Chapter 1.~~